

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

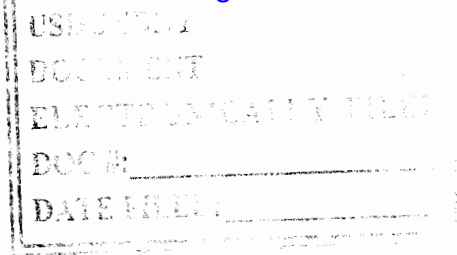
ANSON WHITTED,

Petitioner,

-v-

DAVID STALLONE,

Respondent.



Case No. 11-CV-7569 (KMK)

ORDER ADOPTING REPORT AND
RECOMMENDATION

KENNETH M. KARAS, District Judge:

On August 6, 2015, Magistrate Judge Lisa Margaret Smith entered a Report & Recommendation ("R&R") recommending that this Court deny Petitioner's habeas corpus Petition and further deny the requests laid out in his December 27, 2012 and April 23, 2013 letters to stay the proceedings, allow Petitioner to file an a "Supplemental Amended Petition" to address additional claims, and for an order of discovery. (*See* R&R (Dkt. No. 43); *see also* Dkt. Nos. 34, 39.) In the R&R, Magistrate Judge Smith provides notice that objections to the R&R were due within 17 days, and that failure to object would preclude later appellate review of any order of judgment that will be entered. (*See* R&R at 24–25.) No objections have been filed; to the contrary, Petitioner's only correspondence with this Court since issuance of Judge Smith's R&R has been a letter September 14, 2015 letter in which Petitioner wrote "to make the Court aware that [he] ha[d] an up[coming] release date on September 24[,] 2015" and to provide his new address. (*See* Dkt. No. 45.)

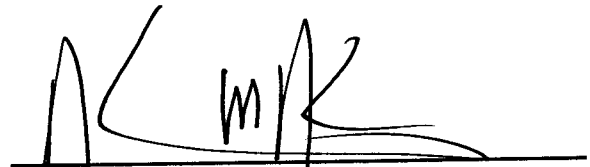
When a petitioner does not file any objections, the Court reviews an R&R for clear error. *See Rose v. Rivera*, No. 08-CV-6027, 2011 WL 3874718, at *1 (S.D.N.Y. Sept. 2, 2011). The Court has reviewed the R&R and finds no error, clear or otherwise. The Court therefore adopts the R&R in its entirety, and it is hereby:

ORDERED that the Petition and the additional requests contained in Petitioner's December 27, 2012 and April 23, 2013 letters are DENIED. The Clerk of the Court is respectfully requested to close this case.

Because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 111–12 (2d Cir. 2000). In addition, the Court certifies,

pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962).

DATED: White Plains, New York
March 30, 2016


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE